

ANDO ET AL. - 09/835,822
Client/Matter: 008312-0280186

REMARKS

By this Amendment, claims 1-16 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 17-26 are added. Accordingly, after entry of this Amendment, claims 17-26 will remain pending.

In the Office Action, claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Nabeshima et al (US 5,587,991A). Claims 6-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While the Applicants respectfully disagree with these rejections, the cancellation of claims 1-16 has rendered both rejections moot.

Newly presented claims 17-26 are believed to be patentable over the reference cited by the Examiner. Applicants respectfully point out that Nabeshima et al. does not describe either a method or an apparatus that includes functionality permitting, for example, executing or charging of pay information in accordance with a value of specified time difference and/or time shift. In contrast, Nabashima et al. merely describes a recording method and apparatus. The reference is silent as to this claimed feature. Accordingly, the Applicants respectfully submit that the claims are patentable thereover.

At page 2 of the Office Action, the Examiner noted that the IDS dated April 17, 2001 is missing from the Patent Office file. In response to the Examiner's request, the Applicants supply herewith a copy of the April 17, 2001 IDS for consideration by the Examiner.

Since each of the issues raised by the Examiner have been addressed, the Applicants respectfully submit that the application is now in a condition for allowance.

Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw the asserted rejection. In addition, the Applicants respectfully ask that the Examiner and pass this application quickly to issue.

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If there are any fees due for entry of this submission that are not otherwise accounted for, the Applicant asks that any such fees be charged to our Deposit Account No. 03-3975, with reference to Order No. 008312/0280186.

Respectfully submitted,

PILLSBURY WINTHROP LLP



JEFFREY D. KARCESKI

Reg. No. 35914

Tel. No. (703) 905-2110

Fax No. (703) 905-2500

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P.O. Box 10500
McLean, VA 22102
(703) 905-2000